Remarks

Claims 59-70 are pending in the subject application. Applicants acknowledge that claims 63-65 have been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicants have canceled claims 59-70 and added new claims 71-75. Support for the new claims can be found throughout the subject specification (see, for example, pages 10-11) and in the claims as originally filed in the PCT application. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 71-75 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Figure 2 (1-9) was objected to because it was not labeled. By this Amendment, Figure 2 has been amended to depict Figs. 2A-2I. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

The disclosure is objected to because of informalities. In particular, the Brief Description of the Drawings is objected to because the synopsis for Figure 2 does not adequately correspond to the drawing featuring. Applicants have amended the brief description of Figure 2 to indicate "Figures 2A-2I". The Office Action indicates that page 18, lines 31 and 32 are identical. This issue has been rectified via the amendment of that passage. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

Claims 68 and 70 are objected because the acronym "GPI" is used without first defining what it represents. By this Amendment, Applicants have replaced the acronym "GPI" with "glycosylphosphatidylinositol" (an art recognized term for this acronym on the T-cadherin polypeptide) and then placed the acronym in parenthesis in the newly presented claims. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 68 and 70 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Office Action indicates that claims 68 and70 are rejected because of the limitation "comprises SEQ ID NO: 1, wherein the GPI-anchor site has been mutated". Applicants respectfully assert that the claims as filed are definite; however, the newly presented claims indicate the mutated GPI-anchor site is located at position 693 of SEQ ID NO: 1 (support for which can be found in the sequence listing associated with SEQ ID NO: 1) and it is believed that this issue is now moot. Accordingly,

reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 59-62 and 66-70 are rejected under 35 U.S.C. 112, first paragraph, as nonenabled by the subject specification. The Office Action indicates that the specification is enabled for a method of treating a metabolic disorder such as obesity by administration of a composition comprising a modulator or an agonist of T-cadherin polypeptide to an individual having such disorder, wherein the T-cadherin polypeptide is a full-length polypeptide that has the glycosylphosphatidylinositol (GPI) anchor domain but is not enabled for a method of treating the said disorders by administering a soluble T-cadherin polypeptide, wherein T-cadherin has the GPI site mutated, or biologically active fragments of T-cadherin polypeptide. Applicants respectfully assert that the claims as filed are enabled.

At the outset, Applicants respectfully submit that no evidence has been presented that establishes that ACRP30/adiponectin would not bind to soluble T-cadherin. While the Office Action argues that cadherin molecules lacking a GPI anchor cannot bind lipoproteins, there is no evidence of record that establishes that ACRP30/adiponectin will not bind soluble ACRP30. With respect to the second issue raised in the Office Action (at pages 9-10), Applicants respectfully submit that the amendments made to the claims have rendered this issue moot. For example, the claims no longer recite "any fragment, variant or mutant of T-cadherin". Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 59-62 and 66-70 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully assert that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention. However, the cancellation of the claims has rendered this issue moot and reconsideration and withdrawal of the rejection of record is respectfully requested.

Claims 59, 60 and 62 are rejected under 35 U.S.C. § 102(e) as anticipated by Saudan *et al.* (WO 2004/096272). The Office Action states that Saudan *et al.* teach molecules and agents interacting with T-cadherin that can mimic the activity of adiponectin. It is further stated that Saudan

et al. teach that T-cadherin is a receptor for adiponectin, and agents mimicking the action of adiponectin can be administered to patients for the treatment of metabolic conditions like obesity. Finally, Saudan *et al.* is cited as teaching providing T-cadherin as a medicament for treating obesity or metabolic disorders. Applicants respectfully assert that the Saudan *et al.* reference does not anticipate the claimed invention as it fails to teach a soluble T-cadherin receptor as recited in the presently pending claims. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

Claims 59 and 61 are rejected under 35 U.S.C. § 103(a) as obvious over Saudan *et al.* (WO 2004/096272) in view of Weigle (2003). The Office Action states that Weigle teach the treatment of obese adult subjects with orlistat, the only approved inhibitor of the gastrointestinal lipases that can reduce the absorption of dietary fat by up to 30% and thereby result in weight loss. Applicants respectfully assert that the claimed invention is not obvious over the cited references. As noted above, Saudan *et al.* fail to teach a soluble T-cadherin receptor as recited in the presently pending claims. Weigle fails to remedy this defect in the teachings of Saudan *et al.* As the Patent Office is aware, all the claim limitations must be taught or suggested by the prior art in order to establish the *prima facie* obviousness of a claimed invention (*CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) citing *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974)). Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested as a *prima facie* case of obviousness has not been established for the claimed invention.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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FCE/jb
Attachment: Replacement Figure 2A-2I